

# *The Worker's Guide:*

## Your Rights During the Coronavirus (COVID-19) Pandemic

(Last Revised April 5, 2021)\*

### **TABLE OF CONTENTS**

1. What if I lost my job or was forced to take leave?
  - *Unemployment Insurance Benefits*
  - *Waiting Time Penalties*
2. What if my hours were cut?
  - *Unemployment Insurance Benefits*
  - *Reporting Time Pay*
3. What if my pay was reduced?
4. How can I get money if I am sick or am quarantined because I was exposed?
  - *2021 California Supplemental Paid Sick Leave*
  - *California Paid Sick Days*
  - *State Disability Insurance Benefits*
  - *Worker's Compensation Benefits*
  - *California Exclusion Pay*
  - *Federal Emergency Paid Sick Leave*
  - *2020 California Supplemental Paid Sick Leave*
5. What if I can't work because I need to take care of a family member who is sick? How can I get money?
  - *2021 California Supplemental Paid Sick Leave*
  - *California Paid Sick Days*
  - *Local Supplemental Paid Sick Leave*
  - *Federal Emergency Paid Sick Leave*
  - *Paid Family Leave*
6. What if my child's school or child care is closed, and I need to miss work to care for them?
  - *2021 California Supplemental Paid Sick Leave*
  - *Unemployment Insurance Benefits*
  - *Federal Emergency Paid Sick Leave*
  - *Emergency Family and Medical Leave*
  - *Family School Partnership Leave*
7. What if I am a gig worker, self-employed, or an independent contractor?
  - *Unemployment Insurance Benefits*



**LEGAL  
AID AT  
WORK**



- *Pandemic Unemployment Assistance*
8. What benefits can I receive if I am undocumented?
  9. Can my employer fire me if I can't work because I'm sick or quarantined?
    - *California Family Rights Act (CFRA) & Family Medical Leave Act (FMLA)*
    - *Fair Employment and Housing Act (FEHA) & Americans with Disabilities Act (ADA)*
  10. Can my employer fire me if I can't work because I need to take care of a sick family member?
  11. What if my employer discriminates or retaliates against me for being sick?
  12. What if I am pregnant and I need to take leave?
    - *Pregnancy Disability Leave*
    - *State Disability Insurance (SDI) and Paid Family Leave (PFL)*
  13. How do I apply for unemployment?
  14. What information will I need to start a claim for Unemployment Insurance?
  15. What if I have already exhausted all my Unemployment or PUA benefits?
  16. What if I am required to work but I do not think that it is safe to do so?
  17. My employer is asking me to return to work. How will my Unemployment Insurance Benefits be affected?
  18. Can my employer force me to take Paid Time Off, Vacation Time, or Paid Sick Time?
  19. Other Resources
  20. Appendix 1: Local Paid Sick Leave Laws

\*This guide is intended to provide accurate, general information regarding legal rights relating to employment in California, as of the date listed above. Yet because laws and legal procedures are subject to frequent change and differing interpretations, Legal Aid at Work, Centro Legal de la Raza, and Bet Tzedek Legal Services cannot ensure the information in this guide is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

Please note that Coronavirus and COVID-19 are used interchangeably in this document.

# 1. What if I lost my job or was required to take leave?

## ➤ **You may qualify for Unemployment Insurance Benefits:**

If you have lost your job or your employer forced you to take unpaid time off, you may qualify for Unemployment Insurance benefits (UI) through the California Employment Development Department (EDD).

### *What are the requirements to get Unemployment Insurance Benefits?*

- You must be “able and available to work.” That means you must be authorized to work in the U.S. AND you must be healthy. If you are sick, you may qualify for other benefits, like State Disability Insurance. For more, see [Question 6](#).
- Generally, only employees are eligible to receive unemployment insurance, not independent contractors or self-employed workers. However, they may qualify for other benefits, like the new Pandemic Unemployment Assistance. See [Question 5](#) for more information.

### *When can I get Unemployment Insurance Benefits?*

- The usual 1-week waiting period has been waived. You may start getting benefits as soon as EDD can process your application. However, due to a high volume of applications, it can take weeks for EDD to process your claim. If you do not receive a response from EDD within four weeks of applying, you may want to consider contacting EDD or your local legal services provider.

### *How much are Unemployment Insurance Benefits?*

- It depends on what your income was when you were working. It can be anywhere between \$40 and \$450 per week.
  - From December 26, 2020 until September 4, 2021, all recipients of unemployment insurance benefits will receive an extra \$300 per week under federal law.<sup>1</sup>
  - From March 27, 2020 until July 25, 2020, all recipients of unemployment insurance benefits received an extra \$600 per week, under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act. If you were unemployed during this time, your claim may be backdated so you can receive these additional payments.
  - From July 26, 2020 until September 5, 2020, the Lost Wages Assistance<sup>2</sup> program provided eligible claimants a supplemental payment of \$300 per week for up to six weeks, in addition to any weekly unemployment benefit amount.

---

<sup>1</sup> The Consolidated Appropriations Act of 2021 provided an extra \$300 per week for unemployment recipients from December 26, 2020 until March 11, 2021. The American Rescue Plan Act provides an extra \$300 per week for unemployment recipients from March 12, 2021 until September 4, 2021 and was signed into law on March 11, 2021.

<sup>2</sup> The Lost Wages Assistance program was authorized by Presidential Memorandum on August 8, 2020.

- Unemployment benefits are generally available for a maximum of 26 weeks. However, federal law has extended benefits for an additional 24 weeks under the Pandemic Emergency Unemployment Compensation program (PEUC), until September 4, 2021. The FED-ED program also provides up to 20 weeks of additional benefits for individuals who qualify. See [Question 15](#) for more information on these extensions.
- Unemployment Insurance Benefits generally start on the date you apply for benefits. If you didn't apply for benefits immediately after you became unemployed or your hours were reduced, you can request that EDD backdate your claim by contacting EDD through the "Ask EDD" function on your online account. EDD may decide to backdate your claim, though it is not required to do so.
- To estimate how much your benefits will be, try this online calculator by EDD: <https://www.edd.ca.gov/Unemployment/UI-Calculator.htm>
- For more on how benefits are calculated, check out this guidance from EDD: [https://www.edd.ca.gov/pdf\\_pub\\_ctr/de8714ab.pdf](https://www.edd.ca.gov/pdf_pub_ctr/de8714ab.pdf)

*Where do I apply?* For instructions on how to apply, please see [Question 13](#).

➤ **You may be entitled to Waiting Time Penalties:**

When your employment is terminated, your employer is required by law to pay you all your wages immediately at the time of layoff/termination, including any accrued vacation pay.

- If you are not paid all of your wages when they are due, you are entitled to one day of wages for every day you wait to get paid, up to a maximum of thirty days.
- To claim your waiting time penalties, you need to file a claim with the California Labor Commissioner's office or small claims court.

## 2. What if my hours were cut?

### ➤ **You may qualify for Unemployment Insurance Benefits.**

*What are the requirements for getting unemployment when my hours are cut?*

- In addition to the requirements outlined in [Question 1](#), you must meet the EDD's definition of someone who is "partially employed." This means:
  - You are still employed by your employer;
  - You worked less than your normal full-time hours because of lack of work;
  - Your normal pay is reduced because of the lack of work; and
  - Your gross pay, after deducting \$25 or 25% (whichever is greater) of your total earnings, is less than your weekly benefit.
- During the coronavirus crisis, EDD has waived the normal requirement that you submit the additional form "Notice of Reduced Earnings" ("DE 2063").
- Usually, you also need to be looking for work to receive the benefits. However, workers who have a temporarily reduced schedule due to COVID-19 and are expected to return to their previous schedule with the same employer may not be required to actively seek work each week.

*Where do I apply?* For instructions on how to apply, please see [Question 13](#).

### ➤ **You may also be entitled to Reporting Time Pay.**

If you report to work as normally scheduled, but your employer sends you home before you work half of your usual or scheduled hours:

- Your employer must pay you for half of your usual or scheduled hours at your regular rate of pay, with a minimum of two hours and a maximum of four hours.
- However, an employer is not liable for reporting time pay if work is unavailable because of interruptions caused by an act of God or other cause not within the employer's control. COVID-19 is likely to be considered something outside your employer's control.

### 3. What if my pay was reduced?

- **If your employer reduces your pay without notice** (i.e., without telling you ahead of time that your pay would be reduced):
  - Your employer must pay you at your previous rate for any hours already worked;
  - If you choose to continue working, it will be considered as if you have accepted this new reduced rate of pay going forward;
  - You can try to negotiate for a different rate.
  
- **If your employer reduces your pay with notice:**
  - Your options are limited to: accepting, negotiating for a different rate, or quitting your job.
  - If you decide to quit your job, you may qualify for Unemployment Insurance Benefits if the EDD determines that you had “good cause” to quit your job based on a “substantial reduction” in pay. There is no set rule as to what amounts to a “substantial reduction.” To determine if there was “good cause” for a voluntary departure based on a reduction in pay, EDD may consider factors such as, but not limited to:
    - Amount of the the wage reduction;
    - The claimant’s prospects for securing other work at a wage about equal with prior earnings;
    - Loss of seniority or other rights associated with a wage level;
    - Opportunities for advancement.
  - Please see [Question 1](#) above for the other requirements to receive UI.

## 4. How can I get money if I am sick or am quarantined?

You may be eligible for several forms of monetary relief if you get sick or are quarantined, including California Supplemental Paid Sick Leave, California Paid Sick Days, State Disability Insurance, and Workers Compensation. If you became sick before December 31, 2020, you may be entitled to paid sick leave under other federal or state laws.

### ➤ **2021 California Supplemental Paid Sick Leave**

*What is 2021 California Supplemental Paid Sick Leave?*

On March 19, 2021, California passed a law (SB 95) that requires California employers with more than 25 employees to provide up to 80 hours of paid sick leave for employees who are unable to work or telework due to COVID-19. The law was codified as Labor Code section 248.2 and section 248.3. It applies retroactively to January 1, 2021, and remains in effect until September 30, 2021.

*Who qualifies for California Supplemental Paid Leave under Labor Code Section 248.2?*

- To qualify, you must be currently employed and either working or voluntarily taking time off from work. You **do not** qualify for California supplemental paid leave if you were fired or furloughed, or told there was no work, or if your worksite was shut down.
- Your employer must have over 25 employees. Employers with 25 or fewer employees may voluntarily provide supplemental paid sick leave, but it is not required by the law.
- You also must be unable to work or telework for one of the following reasons:
  - You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
  - You are advised by a health care provider to self-quarantine related to COVID-19;
  - You are attending an appointment to receive a COVID-19 vaccine;
  - You are experiencing symptoms related to a COVID-19 vaccine;
  - You are experiencing COVID-19 symptoms and seeking a medical diagnosis;
  - You are caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
  - You are caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19 on the premises

*How much paid leave can I take under Labor Code 248.2?*

- If you work full time, you are entitled to two weeks of pay (up to 80 hours) of paid leave under Labor Code 248.2, in addition to any accrued paid sick leave. If you work part

- time, you are entitled to paid leave in the amount of 14 times the average number of hours worked per day in the past 6 months.
- You are entitled to your normal hourly wage or salary or minimum wage (whichever is higher) for each hour of leave, for a maximum of \$511 per day, or \$5,110 total.

*I think I qualify. How do I get supplemental paid sick leave under Labor Code 248.2?*

You must request the supplemental paid sick leave from your employer on or after March 29, 2021. You can do so orally or in writing, although it is better to make the request in writing. You must include in your request the qualifying COVID-19 related reason that applies to your situation. You are not required to provide a doctor's note, but if your employer has reason to believe that you are not seeking leave for a valid COVID-19 related reason, you may be required to provide documentation.

*What if I took leave for one of the qualifying reasons since January 1, 2021, but wasn't paid my supplemental paid sick leave?*

California's 2021 supplemental paid sick leave law applies retroactively to January 1, 2021. If you took paid vacation leave or other paid sick leave for your absence, your employer must credit you back your paid time off in the amount of supplemental paid sick leave for which you are eligible. For retroactive payment of your supplemental paid sick leave, make a request to your employer as described above.

*My employer denied my request for paid leave. What can I do?*

You can file a claim with the Labor Commissioner's Office or a Report of Labor Law Violations. Forms can be found at the Labor Commissioner's Office website, [www.dir.ca.gov/dlse/](http://www.dir.ca.gov/dlse/).

Your employer cannot retaliate against you for requesting or taking leave under Labor Code 248 or 248.2, including firing you, cutting your hours, or increasing your workload. If you have been retaliated against for requesting or taking paid sick leave, you can file a claim with the Labor Commissioner's Office. Your employer also cannot require that you take other paid time off before using your California supplemental paid sick leave, with the exception of Exclusion Pay, if it applies to you.

For more information on California's 2021 Supplemental Paid Sick Leave, visit the Labor Commissioner's website:

<https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-for-SPSL-2021.html>

## ➤ **California Paid Sick Days**

*What are California paid sick days?*

- Even before COVID-19, all employees in California had the right to at least 3 paid sick days that may be used for the prevention, diagnosis, or care of the worker's illness or a family member's illness. An employee starts accruing paid sick days when the employee

starts work, and the employee can use the sick days after they have worked for the employer for 90 days.

#### *When can I use paid sick days?*

- You can take paid sick leave for yourself or a family member, for preventive care or diagnosis, care, or treatment of an existing health condition, or for specified purposes if you are a victim of domestic violence, sexual assault, or stalking.
  - Family members include the employee's parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling.
  - Preventive care would include annual physicals or flu shots.

#### *How many sick days do I get?*

- Employers may limit sick days an employee can use to 3 days, unless the employer is operating in a city that provides additional sick days, for example:
  - In the City of Los Angeles, employees are entitled to 6 paid sick days.
  - Places like [Berkeley](#), [Emeryville](#), [Oakland](#), [San Diego](#), [San Francisco](#) and [Santa Monica](#) require employers to provide more than 3 sick days.
- The employee may decide how much paid sick leave he or she wants to use (for example, whether you want to take an entire day, or only part of a day). Your employer can require you to take a minimum of at least two hours of paid sick leave at a time, but otherwise the determination of how much time is needed is left to the employee.

#### *How do I use my paid sick days?*

- Provide notice to your employer as soon as you can once you know you need to miss work. You do not need to provide a doctor's note.
- Your employer CANNOT *retaliate* against you for using your paid sick days.
- Your employer CANNOT *force* you to take paid sick days.

#### *My employer denied my request to use my paid sick pay. What can I do?*

You can file a claim with the Labor Commissioner's Office or a Report of Labor Law Violations. Forms can be found at the Labor Commissioner's Office website, [www.dir.ca.gov/dlse/](http://www.dir.ca.gov/dlse/).

- **You may have a right to paid sick leave under local law.** Some cities and counties such as Los Angeles, San Francisco, Sacramento, and San Jose have created their own paid sick leave laws in response to the pandemic. For more details on those laws, see [Appendix 1](#).
- **You may qualify for income from State Disability Insurance (SDI)**

#### *What is Disability Insurance (SDI)?*

- If you are sick or required to quarantine, you may qualify for SDI.
- SDI pays you up to 60% or 70% of your wages, up to \$1,300 per week depending on your former income, for up to 52 weeks.

*What are the requirements to get State Disability Insurance?*

- You must either be employed or actively looking for work at the time your disability begins.
- You must have medical certification of illness, disability, or required quarantine.
- You must have paid into SDI during the base period. How do you know if you paid into SDI? Take a look at your paycheck. If there is a deduction for “CA SDI” or “State Tax,” you paid into SDI.
- **Workers who are undocumented MAY QUALIFY.** Undocumented workers can apply using a paper application and leaving blank the box requesting a social security number. You may need to provide your W2s.

*When can I get State Disability Insurance benefits?*

The usual 1-week waiting period has been waived. You may start getting benefits as soon as EDD can process your application.

*Where do I apply?*

Apply with EDD online here: [https://www.edd.ca.gov/Disability/SDI\\_Online.htm](https://www.edd.ca.gov/Disability/SDI_Online.htm). If you are undocumented, you may apply using a paper application and leaving blank the box requesting a social security number.

*Can I apply on behalf of my family member?*

You may be able to file on behalf of a sick or deceased family member if they are unable to file a claim themselves. Call EDD at the following phone number for instructions on how to proceed: 1-800-480-3287. EDD may ask you to fill out a declaration, which you can access online at this link: [https://edd.ca.gov/pdf\\_pub\\_ctr/de2522.pdf](https://edd.ca.gov/pdf_pub_ctr/de2522.pdf).

➤ **If you got sick at work, you may qualify for Workers' Compensation**

If you believe you contracted coronavirus on the job during the regular course of your work, you may be eligible for workers' compensation benefits, including disability payments and medical treatment.

Under recent California law, if you contracted COVID-19 after March 19, 2020, within 14 days of performing work for your employer outside of your home, it may be presumed that you contracted COVID-19 at work.<sup>3</sup> In addition, if you contracted COVID-19 after July 6, 2020, it may also be presumed that you contracted the virus at work if:

- You test positive for COVID-19 during an outbreak at your workplace and your employer has five or more employees;
- You are a healthcare worker or first responder, including:
  - Providers of direct patient care in a health facility, home health agency, or in-home supportive services;
  - Custodial workers and who have contact with COVID-19 patients;
  - Employees of designated health facilities, paramedics and emergency medical technicians, some peace officers, and some firefighters.

Your employer can submit evidence to try to show that you did not contract COVID-19 at work. More information on these new laws is available here:

<https://www.dir.ca.gov/dwc/Covid-19/FAQ-SB-1159.html>

*What benefits would I get with Workers' Compensation?*

- Disability payments: Payments are generally 2/3 of the gross wages you lose while you are recovering from a work-related illness or injury, up to a maximum weekly amount set by law.
  - If you have paid sick leave available that was provided specifically in response to COVID-19, you may be required to use that paid sick leave before being paid disability benefits.
- Medical treatment

*How do I get Workers' Compensation benefits?*

If you believe you are entitled to Worker's Compensation benefits, you should contact a Worker's Compensation attorney immediately.

To file a workers' compensation claim, an employee must file a DWC-1 claim form with their employer. Learn more about your eligibility for workers' compensation here:

<https://www.dir.ca.gov/InjuredWorkerGuidebook/InjuredWorkerGuidebook.html>

---

<sup>3</sup> On May 6, 2020, Governor Newsom signed Executive Order N-62-20, which states that if you test positive for or are diagnosed with COVID-19 within 14 days after you performed work for your employer outside of your home, it is presumed that you contracted COVID-19 at work. This Executive Order was codified and expanded upon by the California Legislature by SB 1159, which took effect on September 17, 2020.

To be presumed to have contracted COVID-19 at work, you must obtain certification of your temporary disability, usually within 15 days of your diagnosis.

If your spouse or parent is eligible for Worker's Compensation but incapacitated and unable to file a claim themselves, you can file on their behalf as a Guardian Ad Litem. To be appointed as a Guardian Ad Litem for purposes of the Worker's Compensation process, you will need proof of incapacitation from a doctor and your marriage or birth certificate showing your relationship to the worker who is incapacitated. If the worker dies, their claim may be converted to a death claim, which could cover burial expenses.

➤ **If you test positive for COVID-19 or were exposed in the workplace, you may be entitled to Exclusion Pay while you are quarantined.**

After November 30, 2020, under California's Emergency Temporary Standard (ETS), your employer is required to exclude you from the workplace if (1) you test positive for COVID-19 or (2) you were exposed to COVID-19 in the workplace. If you are able and available to work while you are excluded from work, your employer is required to continue providing your pay and benefits during your quarantine period -- generally up to 14 days.

Your employer is NOT required to continue your pay and benefits if your employer can establish that your exposure was not work related or if you are unable to work due to illness (in which case you may qualify for SDI or Worker's Compensation). For more information on whether you are entitled to Exclusion Pay, see Cal-OSHA's FAQs here:

<https://www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html> or the Labor Commissioner's FAQs here: <https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-Exclusion-Pay-ETS.html>

If you are entitled to Exclusion Pay and your employer fails to provide it, you can file a claim with the California Labor Commissioner's Office.

➤ **If you became sick before December 31, 2020, you may be entitled to COVID-19 related paid sick leave under state or federal law.**

**Federal Emergency Paid Sick Leave (EPSLA):** Between April 1, 2020 and December 31, 2020, the federal government required employers with 500 or fewer employees to provide up to 80 hours of paid leave if an employee needed to miss work for a qualifying COVID-19 related reason. That benefit, part of the Families First Coronavirus Response Act (FFCRA), expired on December 31, 2020, but in 2021 workers can still file claims that accrued in 2020.

*Who qualified for paid leave under the EPSLA?*

To have qualified, you must have been currently employed and either working or voluntarily taking time off from work. You **did not** qualify for EPSLA paid leave if you were fired or furloughed, or told there was no work, or if your worksite was shut down.

You also must have needed to take leave for one of the following reasons:

- You were subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- You were advised by a health care provider to self-quarantine related to COVID-19;
- You were experiencing COVID-19 symptoms and seeking a medical diagnosis;
- You were caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
- You were caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
- You were experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

If you became sick before the EPSLA expired on December 31, 2020, and would like more information on how to request this benefit from your employer, visit the Department of Labor's FAQ: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

**2020 California Supplemental Paid Sick Leave:** Starting April 16, 2020 for food sector workers and September 19, 2020 for all other workers, the state of California required that employers with over 500 employees or in industries not covered by the federal law provide up to 80 hours of paid sick leave to their employees that need to miss work because they were sick with COVID-19 or subject to a quarantine order. That benefit expired along with the federal Emergency Paid Sick Leave law on December 31, 2020. If you became sick before December 31, 2020 and would like more information on whether you qualify for Supplemental Paid Sick Leave, visit the Labor Commissioner's FAQ: <https://www.dir.ca.gov/dlse/FAQ-for-PSL.html>.

## 5. If I can't work because I need to take care of a family member who is sick, how can I get money?

There is more than one potential way to get income replacement when taking care of a sick family member, including California Supplemental Paid Sick Leave, California Paid Sick Days, Emergency Paid Sick Leave, and Paid Family Leave.

### ➤ **2021 California Supplemental Paid Sick Leave**

On or after January 1, 2021, if you are unable to work or telework because you are caring for a family member who is either subject to a government quarantine order or was advised by a health care provider to quarantine, you may be entitled to up to 2 weeks of paid time off under California law. A "family member" can include a child, parent, spouse, domestic partner, grandparent, grandchild, or sibling. Please see the [2021 California Supplemental Paid Sick Leave](#) section above for more details.

### ➤ **California Paid Sick Days**

Even before COVID-19, all employees in California had the right to at least 3 paid sick days that may be used for the prevention, diagnosis, or care of the worker's illness or a family member's illness. Some cities require employers to provide more than 3 paid sick days. Please see the [California Paid Sick Days](#) section above for more details.

### ➤ **Local Supplemental Paid Sick Leave**

You may qualify for up to 2 weeks (80 hours) of paid sick leave under a local ordinance if you live in an area that enacted its own paid sick leave law. Los Angeles, San Jose, Sacramento, San Francisco, and Oakland have all enacted ordinances requiring employers with more than 500 employees to provide up to 2 weeks of paid sick time to employees that need to take time off because they are sick or quarantining due to COVID-19, need to care for a family member who is sick with COVID-19, or who cannot work because their child's school or childcare is closed due to COVID-19.

See [Appendix 1](#) for more information on local paid sick leave ordinances.

### ➤ **Federal Emergency Paid Sick Leave**

If you needed to take time off work before December 31, 2020 because you were caring for someone advised or required to quarantine due to concerns related to COVID-19, the federal Emergency Paid Sick Leave Act requires employers to pay up to 2 weeks (80 hours) of paid leave. You may have qualified for Emergency Paid Sick Leave if you were currently working or voluntarily taking leave from work, and only if your employer had fewer than 500 employees. This law expired December 31, 2020, but in 2021 workers can still file claims that accrued in 2020. See the [Emergency Paid Sick Leave](#) section above for more details.

## ➤ Paid Family Leave (PFL)

### *What is Paid Family Leave?*

- Paid Family Leave pays part of your wages or salary if you need to take unpaid time off work or are unable to look for work because you are bonding with a new baby or caring for a close family relative who has a serious health condition. This includes caring for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or domestic partner.

### *How much is Paid Family Leave?*

- Paid Family Leave can give you 60% or 70% of your income, up to \$1,300 per week, for up to 6 weeks.
- Applicants who filed after July 1, 2020 are eligible for up to 8 weeks of PFL.

### *Who is eligible for Paid Family Leave?*

- You must be employed or actively looking for work at the time your family leave begins.
- The serious health condition must be certified by a healthcare provider or a public health officer.
- You must have paid into State Disability Insurance (noted as “CA SDI” or “State Tax” on paystubs) in the past 5 to 18 months.
- For a complete list of requirements, go to the EDD website:  
[https://edd.ca.gov/Disability/Am\\_I\\_Eligible\\_for\\_PFL\\_Benefits.htm](https://edd.ca.gov/Disability/Am_I_Eligible_for_PFL_Benefits.htm)
- **Citizenship and immigration status do not affect eligibility.**

### *Where do I apply?*

Apply online with EDD [here](#). If you are undocumented, you may apply using a paper application and leaving blank the box requesting a social security number. You may need to provide your W2s.

## 6. What if my child's school or child care is closed and I have to miss work to care for them?

### ➤ **2021 California Supplemental Paid Sick Leave**

On or after January 1, 2021, if you are unable to work or telework because you are caring for a child whose school or place of care is closed or unavailable for reasons related to COVID-19 on the premises, you may be entitled to 2 weeks of paid time off under California law. Please see the [2021 California Supplemental Paid Sick Leave](#) section above for more details.

### ➤ **You may be eligible for Unemployment Insurance Benefits**

EDD is advising people to apply for Unemployment Insurance Benefits if they have lost income because they miss work to care for a child and have exhausted all other care options.

- Please see the section above on [Unemployment Insurance Benefits](#) for the requirements to apply. For instructions on how to apply, please see [Question 13](#).
- You may need to provide documentation to EDD that you have exhausted your child care options.

### ➤ **Local Supplemental Paid Sick Leave**

If you live in an area that enacted its own paid sick leave law, you may qualify for up to 2 weeks of paid sick leave under a local ordinance. Los Angeles, San Jose, Sacramento, San Francisco, and Oakland have all enacted ordinances requiring employers with more than 500 employees to provide up to 2 weeks of paid sick time to employees that need to take time off because they are sick or quarantining due to COVID-19, need to care for a family member who is sick with COVID-19, or who cannot work because their child's school or childcare is closed due to COVID-19.

See [Appendix 1](#) for a chart of local paid sick leave ordinances.

### ➤ **If you had to take leave on or before December 31, 2020 because your child's school or daycare was closed, you may have been entitled to paid leave under federal law.**

**Federal Emergency Paid Sick Leave:** If you had to miss work on or before December 31, 2020, the federal Emergency Paid Sick Leave Act required employers to pay up to 2 weeks of paid leave if you were unable to work because your child's school or daycare was closed for COVID-19-related reasons. You may have qualified for Emergency Paid Sick Leave if you were currently working or voluntarily taking leave from work, and only if your employer had fewer than 500 employees. See the section above on [Emergency Paid Sick Leave](#) for more details. This

law, however, expired on December 31, 2020, but in 2021 workers can still file claims that accrued in 2020.

**Federal Emergency Family and Medical Leave Act Expansion Act (EFMLEA)**<sup>4</sup> Under the EFMLEA, employers with 500 or more employees were required to provide up to 10 weeks of paid leave if an employee could not work because that employee's child's school or daycare was closed due to COVID-19. That law, however, expired on December 31, 2020. If you had to take time off because of your child's school or daycare closure before that date, however, and would like more information on the EFMLEA, visit the FAQ of the Department of Labor: <https://www.dol.gov/agencies/whd/fmla/pandemic>.

- **If you do not qualify for UI or other leave, you may qualify for Pandemic Unemployment Assistance (PUA).** See the section below on [Pandemic Unemployment Assistance](#) for more information.
- **Your job may be protected under the Family School Partnership Act**  
This protects you from losing your job while you need to miss work. If your employer has at least 25 employees, you may be eligible to receive up to 40 hours of job protection per year (see California Labor Code [section 230.8](#)).

---

<sup>4</sup> The Emergency Family and Medical Leave Expansion Act (EFMLEA) is a federal law that went into effect April 1, 2020 as part of the FFCRA. These benefits expired on December 31, 2020.

## 7. What if I am a gig worker, self-employed, or an independent contractor?

➤ **You may be eligible for Unemployment Insurance if you are misclassified as an independent contractor.**

Generally, only employees are eligible to receive Unemployment Insurance Benefits, not independent contractors. However, many workers are misclassified as independent contractors when they are, in fact, employees under California law and entitled to employee protections and benefits such as Unemployment Insurance Benefits.

The EDD will decide whether you were misclassified by applying California law. For more information about whether you are misclassified, go to the EDD website here: <https://www.labor.ca.gov/employmentstatus/workers/>. If you think you may have been misclassified, you should request that EDD conduct a “wage audit” to determine whether you are entitled to UI benefits. If EDD decides that you are an independent contractor, you will automatically be considered for benefits under the Pandemic Unemployment Assistance (PUA) program. For more information on applying for benefits, see the resources from Gig Workers Rising: <https://gigworkersrising.org/get-informed/covid19-resources/>

➤ **Make sure to also check the other requirements for unemployment benefits in the response to [Question 1](#).**

➤ **You may be eligible for Pandemic Unemployment Assistance (PUA), provided by the CARES Act.<sup>5</sup>**

If you are sure that you are truly an independent contractor, are self-employed, or don't qualify for UI benefits because you are a part-time worker, don't have enough employment history, have already exhausted all your UI benefits, or are serving UI penalty weeks, you may qualify for Pandemic Unemployment Assistance.

### *What is PUA?*

- PUA is monetary assistance for workers who are excluded from Unemployment Insurance Benefits, including:
  - a. Self-employed workers, including independent contractors,
  - b. Gig workers,
  - c. Freelancers,
  - d. Workers who do not have a long enough work history to qualify for unemployment benefits,

---

<sup>5</sup> PUA is available as part of the CARES Act, which was signed into law on March 27, 2020. The federal government extended the PUA program with the passage of the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act.

- e. Workers who are serving UI penalty weeks, or
- f. Workers who have exhausted their regular UI benefits.
- PUA is available from January 27, 2020 until September 4, 2021.
- PUA is NOT available for undocumented workers.
- PUA is NOT available if you are eligible for Unemployment Insurance Benefits, even if you are only eligible to receive a small amount of benefits. However, starting December 26, 2020, you may be eligible for a supplement of \$100 per week to your Unemployment Insurance Benefits if you received at least \$5,000 a year in self-employment income.<sup>6</sup>

#### *Who qualifies for PUA?*

- You must be legally authorized to work in the U.S.
- You must be unable to telework with pay and cannot be receiving paid sick pay.
- You must be ineligible to receive regular Unemployment Insurance Benefits.
- You can't work because of any one of these reasons:
  1. You have been diagnosed with COVID-19 or are experiencing symptoms of COVID-19 and are seeking a medical diagnosis.
  2. You are unable to work because a health care provider advised you to self-quarantine due to concerns related to COVID-19.
  3. A member of your household has been diagnosed with COVID-19.
  4. You are providing care for a family member or a member of your household who has been diagnosed with COVID-19.
  5. A child or other person in the household for whom you have primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 and the school or facility care is required for you to work.
  6. You became the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19.
  7. You have to quit your job as a direct result of COVID-19.
  8. Your place of employment is closed as a direct result of COVID-19.
  9. You were scheduled to start a job that is now unavailable as a direct result of the COVID-19 public health emergency.
  10. You are unable to reach the place of employment as a direct result of the COVID-19 public health emergency.
  11. If you work as an independent contractor with reportable income, you may also qualify for PUA benefits if you are unemployed, partially employed, or unable or unavailable to work because the COVID-19 public health emergency has severely limited your ability to continue performing your customary work activities, and has thereby forced you to stop working.

#### *How much is PUA?*

---

<sup>6</sup> This benefit was provided by the Consolidated Appropriations Act of 2021, which was passed by the federal government on December 27, 2020, then extended by the American Rescue Plan Act, which was passed by the federal government on March 11, 2021. This supplement is set to end on September 4, 2021.

- You will receive a minimum of \$167 per week (possibly more depending on your previous earnings).
  - From December 26, 2020 until September 4, 2021, PUA recipients will also receive an extra \$300 per week.<sup>7</sup>
  - From March 29, 2020 until July 25, 2020, recipients also received an extra \$600 per week under the CARES Act. If you were unemployed during this time, your claim may be backdated so you can receive these additional payments.
  - From July 26, 2020 until September 5, 2020, the Lost Wages Assistance<sup>8</sup> program provided eligible claimants a supplemental payment of \$300 per week for up to six weeks, in addition to any weekly unemployment benefit amount.
- If eligible, claimants will be able to receive up to 57 weeks of benefits before payments end the week of April 5, 2021.
- Regardless of when you apply, your benefits may be retroactive to weeks following the week when you last worked and became unemployed due to reasons directly related to COVID-19. If you applied before December 27, 2020, your claim may be retroactive as early as February 2, 2020. If you applied after December 27, 2020, the earliest your claim can start is December 6, 2020.

*How do I apply for PUA?* The fastest way to apply for benefits is online through the Employment Development Department (“EDD”) at the following link:

[https://edd.ca.gov/Unemployment/UI\\_Online.htm](https://edd.ca.gov/Unemployment/UI_Online.htm)

You can also apply for PUA by phone. As of the time of this guide, the paper application has not yet been updated to include PUA. See [Section 13](#) for details.

*What do I need to apply?* After December 27, 2020, new applicants are required to submit proof of income within 21 days of applying.<sup>9</sup> In addition, anyone who has received PUA since passage of the CARES Act will have 90 days to provide proof of unemployment.

*What if I already applied for UI, but I want to apply for PUA?*

If you are receiving UI benefits or qualify for UI benefits, you are not eligible for PUA. If you have applied for UI but have been denied, or have not received a determination, you can apply for PUA using the UI / PUA application.

---

<sup>7</sup> The Consolidated Appropriations Act of 2021 provided an extra \$300 per week for PUA recipients from December 26, 2020 until March 11, 2021. The American Rescue Plan Act provides an extra \$300 per week for PUA recipients from March 12, 2021 until September 4, 2021 and was signed into law on March 11, 2021.

<sup>8</sup> The Lost Wages Assistance program was authorized by Presidential Memorandum on August 8, 2020.

<sup>9</sup> These new rules were provided by Congress in the Consolidated Appropriations Act of 2021, which was passed on December 27, 2020.

If you received a UI award indicating \$0 in benefits available, see the EDD's guidance for the latest recommendations on how to proceed here:

<https://www.labor.ca.gov/pandemic-unemployment-assistance-pua-program/>.

➤ **You may also be eligible for other benefits:**

- CalFresh (food stamps): Apply here: <https://www.getcalfresh.org/>
- General Assistance: More here: <https://www.cdss.ca.gov/county-offices>

## 8. What benefits can I receive if I am undocumented?

➤ **If you otherwise meet the requirements, you may be eligible to receive:**

- [State Disability Insurance](#)
- [California Paid Sick Days](#)
- [2021 California Supplemental Paid Sick Leave](#)
- [Paid Family Leave](#)
- [Workers' Compensation](#)
- [Exclusion Pay](#)
- [2020 California Supplemental Paid Sick Leave](#)

➤ **Do I qualify for Unemployment Insurance Benefits or Pandemic Unemployment Assistance?**

No. You are not eligible for UI benefits or Pandemic Unemployment Assistance (PUA) unless you have some form of work authorization (for example, asylees, refugees, DACA recipients, individuals with temporary protected status, lawful permanent residents [even if their green card has expired so long as their work permit is still valid], and individuals who have been issued an Employment Authorization Document while their application for legal immigration status is pending).

**Some resources are available at these websites:**

- Legal Aid at Work
  - Relief Funds: <https://legalaidatwork.org/blog/relief-funds/>
  - Employment Rights: <https://legalaidatwork.org/factsheet/undocumented-workers-employment-rights/>
- California COVID-19 Guide for Immigrant Californians: <https://covid19.ca.gov/guide-immigrant-californians/>
- L.A. County Resources: <http://www.publichealth.lacounty.gov/media/Coronavirus/resources.htm>
- City and County of San Francisco Resources: <https://sf.gov/topics/coronavirus-covid-19>
- Alameda County Resources: <http://www.acphd.org/2019-ncov/resources-residents.aspx>
- Contra Costa County Resources: <https://www.contracosta.ca.gov/7773/COVID-19-Resources#:~:text=Unemployment%20and%20economic%20information%20and,pm%2C%20for%20information%20and%20resources.>

➤ **Public Charge Rule:** United States Citizenship and Immigration Services (USCIS) has stated that it will not consider treatment or preventative care related to COVID-19 as part of the public charge inadmissibility determination. State benefits that are not funded by federal dollars will not

be considered under the Public Charge rule. For more information on how obtaining benefits may impact your application for adjustment of status, consult an immigration attorney.

## 9. Can my employer fire me if I get sick or am quarantined?

There are several laws that may protect your job (and possibly your health insurance benefits) so that when you come back from time off, your job or a similar one will be waiting.

### ➤ **California Family Rights Act (CFRA) & Family Medical Leave Act (FMLA)**

*What is the CFRA / FMLA?*

- The CFRA and FMLA can each provide unpaid leave for up to 12 weeks to care for a serious health condition. This protects your job while you are on leave, which means that you cannot be fired and at the conclusion of your leave you have the right to be reinstated to the same or comparable position (regardless of layoffs). The 12 weeks do not have to be taken all at once.
- During your leave, your employer must continue your health insurance benefits.

*Who is eligible for CFRA / FMLA leave?*

- A worker who has a serious health condition that requires time off from work.
  - Coronavirus is a serious medical condition, but FMLA / CFRA leave is not available for people who are quarantined or complying with shelter-in-place orders who do not have any symptoms.
- The worker must have worked for the employer for at least 1 year (but the year of service doesn't need to be consecutive).
- The worker worked at least 1,250 hours for the employer in the previous year.
- The worker's employer must have more than 50 employees within a 75 mile radius of the worker's job location. Starting January 1, 2021, the CFRA applies to employers with 5 or more employees.

*How do I request CFRA / FMLA leave?*

- Contact your employer in writing (for example, by text or email) and communicate your desire for leave under the FMLA / CFRA.

### ➤ **Fair Employment and Housing Act (FEHA) & Americans with Disabilities Act (ADA)**

*What is the FEHA / ADA?*

- Under the FEHA / ADA, your employer may be required to provide you with unpaid leave from work as an accommodation for your medical condition.
- There is no requirement under the FEHA or ADA that your employer continue your health benefits.

*Who is protected under the FEHA / ADA?*

- The worker's employer must have at least 5 employees (under the FEHA) and 15 employees (under the ADA).

- The worker must have an “actual disability,” which may include having a compromised immune system, or if experiencing severe complications from coronavirus, such as pneumonia.

*How do I get protection under the FEHA / ADA?*

- Contact your employer in writing (for example, by text or email) and explain that you have a disability under the ADA and FEHA definition and that you are requesting an accommodation of unpaid leave. You need to state when you expect to return to work (e.g., 8 weeks).

## 10. Can my employer fire me if I need to take care of a sick family member?

There are state and federal laws that protect your job when you take care of sick family members, making sure that you can go back to your job after your leave.

### ➤ **California Family Rights Act (CFRA) & Family Medical Leave Act (FMLA)**

- Up to 12 weeks of unpaid leave is available under the CFRA / FMLA for workers who need to take time off work to care for a parent, spouse, domestic partner, minor child, or adult dependent child with a serious health condition. This protects your job while you are on leave. It also requires that employers continue your health insurance benefits.
- For requirements and eligibility, see [Question 8](#) above.
- You may also be entitled to all or part of your salary while you are on leave. See [Question 8](#) above for more information.

## 11. What if my employer discriminates or retaliates against me for being sick?

If your employer discriminates or retaliates against you because you are sick, there are several laws that may protect you.

### ➤ **Fair Employment and Housing Act (FEHA) / Americans with Disabilities Act (ADA)**

*What is protected under the FEHA and ADA?*

- Under the FEHA and ADA, an employer may not discriminate or retaliate against an employee because of the employee's disability. This includes discriminating against an employee for being associated with someone with a disability.
  - For example, an employer may not:
    - Fire an employee because they have or have been exposed to coronavirus.
    - Fire an employee because they have a family member who has been exposed to coronavirus.
- If you have a disability (as defined by the FEHA / ADA), you have the right to reasonable accommodation, such as teleworking, when you request it.
- Your employer must keep employee medical information confidential and private.
- Employers may not ask employees if they have medical conditions that put them at increased risk of severe illness or complications should they contract coronavirus.
- Employers may ask employees if they have coronavirus, or symptoms associated with coronavirus.

*Who is protected under the FEHA and ADA?*

- The FEHA and ADA only apply to employers of a certain size. The FEHA applies to employers with 5 or more employees, and the ADA applies to employers with 15 or more employees
- The employee must have a "disability" as defined by the law, be "regarded as" having a disability, or be associated with a person with a disability.

## 12. What if I am pregnant and I need to take leave?

If you are pregnant and need to take leave, you may be eligible for job protection and income replacement.

### ➤ **Job Protection: Pregnancy Disability Leave (PDL)**

*What is pregnancy disability leave?*

- The Pregnancy Disability Leave Act provides a worker up to 4 months of unpaid leave if they are “disabled by pregnancy.” A worker can be “disabled by pregnancy” if there is a risk to the pregnancy or after successful completion of pregnancy.
  - You may qualify if your pregnancy is at risk due to possible exposure to the coronavirus.
- During your leave, your employer must continue your health benefits.
- If you need more than 4 months of leave, the California Family Rights Act may provide additional job protection. See more information in [Question 8](#) above.

*Who does it protect?*

- California’s Disability Leave law applies to most employers with 5 or more employees.

### ➤ **Income: State Disability Insurance (SDI) and Paid Family Leave (PFL)**

- During your pregnancy and after birth, you may be eligible for income replacement through State Disability Insurance. See [Question 6](#) for details.
- After your baby’s birth, you may be eligible for Paid Family Leave while you are bonding with your baby. See [Question 7](#) for details on requirements.

## 13. How do I apply for Unemployment or Pandemic Unemployment Assistance?

You can apply for unemployment benefits online, by fax, by mail, or by phone.

- Online: [https://www.edd.ca.gov/Unemployment/UI\\_Online.htm](https://www.edd.ca.gov/Unemployment/UI_Online.htm)
- Phone: English 1-800-300-5616  
Spanish 1-800-326-8937
- By Mail or Fax: You can find the forms online here:  
[https://www.edd.ca.gov/Unemployment/Forms\\_and\\_Publications.htm#FillInForms](https://www.edd.ca.gov/Unemployment/Forms_and_Publications.htm#FillInForms)

**For instructions please see the following videos provided by EDD:**

- English:
  - Benefit Programs Online Overview and Registration for New Users  
<https://www.youtube.com/watch?v=I0O37hyLU5Y&feature=youtu.be>
  - UI Online Overview and Registration  
<https://www.youtube.com/watch?v=-00AJsrLjw&feature=youtu.be>
- Spanish:
  - Benefit Programs Online Overview and Registration for New Users  
<https://www.youtube.com/watch?v=kkdtgavMjgl&feature=youtu.be>
  - UI Online Overview and Registration  
[https://www.youtube.com/watch?v=FnZF\\_dOcRIY&feature=youtu.be](https://www.youtube.com/watch?v=FnZF_dOcRIY&feature=youtu.be)

## 14. What information will I need to start a claim for Unemployment Insurance?

- Personal Information: You will need to provide EDD with copies of documents that verify your work authorization status and your identity. EDD has recently launched ID.me, a service used to verify applicants' and claimants' identities. When you file a new claim, you will be redirected to the ID.me site where you will take a selfie (personal photo) and upload a photo of your ID to verify your identity. If EDD requires additional information to verify your identity, you will need to join a video call with ID.me and provide either:
  - Two primary documents
  - One primary and two secondary documents

Visit [EDD Online](#) to learn what documents are acceptable to submit. Note: the required documents for applying for UI are different from the required documents needed to verify your identity after you have already submitted an application.

- **Work History Information:** Employer information including legal company name, supervisor's name, address (mailing and physical location), and phone number.
  - Try to use the official name of the business on your paycheck or W-2.
  - Information on all the employers you worked for during the past 18 months, including name, address (mailing and physical location), the dates of employment, gross wages earned, hours worked per week, hourly rate of pay, and the reason you are no longer working.
- **Helpful employment related documents to have on hand:**
  - Last paystub and W-2 from last employer (or 1099 if you believe you were improperly paid as an independent contractor).
- Also see the EDD checklist at this link: [https://www.edd.ca.gov/pdf\\_pub\\_ctr/de2326.pdf](https://www.edd.ca.gov/pdf_pub_ctr/de2326.pdf)

## 15. What if I already exhausted all of my Unemployment or PUA benefits?

- **You may qualify for the Pandemic Emergency Unemployment Compensation (PEUC):**<sup>10</sup> PEUC provides an additional 24 weeks of UI or PUA benefits, in addition to the regular 26 weeks of benefits. On March 11, 2021, the federal government extended PEUC to provide an additional 29 weeks of benefits until September 4, 2021, for a total of up to 53 weeks available.

### *How do I get PEUC?*

If your benefits started on or after June 2, 2019, EDD will automatically file for PEUC for you. You should receive a notice through the mail about 5-7 days after the PEUC extension has been filed by EDD. You can also check for updates on your UI Online account, if you have one.

If your benefits started before June 2, 2019, EDD recommends that you file another UI claim through UI Online. EDD will determine if you qualify for a new regular UI claim or the PEUC extension.

- **You may qualify for the Federal-State Extended Duration (FED-ED) extension:** FED-ED provides up to 20 weeks of additional benefits for people who used all of their unemployment benefits during a period of high unemployment. This program has been extended through September 4, 2021.

### *How do I get FED-ED?*

---

<sup>10</sup> PEUC is provided by the CARES Act, which was signed into law on March 27, 2020. The CARES Act was originally set to expire on December 31, 2020, but Congress extended it with the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act.

If you are eligible, EDD will automatically file your FED-ED extension after you collect all PEUC benefits, if FED-ED benefits are still available.

After EDD files your extension, EDD will mail you a *Notice of Determination for Federal-State Extended Duration Benefits* within 5-7 days. This notice will include the effective date of the extension, eligibility requirements, and your potential benefit amounts. You will then need to complete the usual bi-weekly certifications to determine eligibility for ongoing payments.

- **You may qualify for Pandemic Unemployment Assistance (PUA):**<sup>11</sup> PUA is available until the week of April 5, 2021, to claimants who have collected all unemployment benefits for which they were eligible and remain employed or partially unemployed as a result of COVID-19. This means that you were qualified for regular UI but have exhausted those benefits, as well as any extended benefits (such as PEUC or FED-ED). See [Question 5](#) for more on PUA.

---

<sup>11</sup> PUA is provided by the CARES Act, which was signed into law on March 27, 2020. The CARES Act was originally set to expire on December 31, 2020, but Congress extended it with the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act.

## 16. What if I am required to work but I do not think that it is safe to do so?

- **If you have a pre-existing medical condition that makes you more vulnerable to COVID-19, you may be entitled to leave or an accommodation. You may also be entitled to SDI.**

If your pre-existing condition qualifies as a “serious health condition” under the FMLA and CFRA, you may be entitled to leave from work or a reasonable accommodation such as telecommuting to work. See [Question 9](#) for more information. You may also qualify for State Disability Insurance Benefits. See the above [section on SDI](#) for more information.

In addition, some localities, such as Los Angeles, San Francisco, Sacramento, and Oakland, have enacted paid sick leave ordinances requiring employers to provide up to 2 weeks of paid sick time if the employee is unable to work due to COVID-19, including if the employee is over 65 or has a pre-existing condition that makes them more vulnerable to the virus. See [Appendix 1](#) below for details on these local ordinances.

- **You may have protections under Labor Code Section 6311.**  
Under California Labor Code Section 6311, a worker may refuse to perform unsafe work as long as it is hazardous enough that any reasonable person would think that their health and safety would be in danger. Here are some steps you can take:
  - First, offer to do the work only if the employer is willing to make work safe. Under the current circumstances, that may be only to offer to work from home. Alternatively, the employer should provide proper personal protective equipment to make the work safe.
  - If the employer refuses, and the worker refuses to do work because they reasonably find it to be unsafe, the worker should offer to do other work that they consider to be safe.
- **You can file a workplace safety complaint with the California Division of Occupational Safety and Health (Cal/OSHA), also known as California Division of Occupational Health and Safety.**  
The actions an employer is required to take to protect workers from COVID-19 in the workplace varies by industry. For more information about employer obligations to keep your workplace safe, see Cal-OSHA’s COVID-19 Resource page here: <https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>  
If you believe your employer is not implementing COVID-19 health requirements, you can file a complaint with Cal/OSHA, which it may choose to investigate. To file a workplace safety complaint, follow the instructions here: <https://www.dir.ca.gov/dosh/Complaint.htm>.

## 17. My employer is asking me to return to work. How will my Unemployment Insurance Benefits be affected?

### ➤ If you decide not to return to work:

Your UI benefits may be affected if you refuse an offer of “suitable” employment when it is offered to you. However, if an offer to work is not “suitable,” you may have “good cause” not to return to work and would be eligible to continue to receive UI benefits. The EDD will determine whether an offer to return to work is “suitable” in light of factors such as the degree of risk involved to the individual’s health and safety.

An offer to return to work may not be “suitable” if any of these circumstances apply:

- Your employer is not permitted to be open under state or local law. For updated information on opening restrictions, see the state’s website here:  
<https://covid19.ca.gov/safer-economy/>
- You have a health condition that is “high risk” for COVID-19 and your employer will not allow you to telework. “High risk” conditions are defined by the California Department of Public Health and include individuals who are over 65 or immunocompromised, or have certain serious chronic health conditions (such as heart disease, lung disease, or diabetes);
- Your employer is not complying with all government safety regulations, such as providing protective equipment such as masks and enforcing social distancing recommendations in the workplace.
  - Statewide industry guidance and regulations on safety are available here:  
<https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>
  - Counties are also issuing their own reopening protocols, which are available on the county website.
- If the wages, hours, or working conditions being offered to you are “substantially less favorable” than those prevailing for similar work in the locality. For example, if you are offered a job at \$20 per hour but other jobs in your community doing the same type of work at your skill level are typically paid at \$30 per hour, you may have good cause to refuse the work.

If you are offered work, you must report this work offer to EDD when you certify for your continued UI benefits. This will trigger an eligibility interview by the EDD. During that interview, you will have the opportunity to inform the EDD of the facts surrounding the offer of employment that you turned down.

➤ **If you decide to return to work but then become unemployed again:**

Regular unemployment claims are good for one year. If before that year ends, you stop certifying benefits for two consecutive weeks, but then you become partially or fully unemployed again, you must reopen the claim to collect any remaining benefits. However, if your benefit year has ended, you must file a new claim.

For updated information on this issue, see EDD's FAQ:

[https://www.edd.ca.gov/about\\_edd/coronavirus-2019/faqs.htm#UIBenefits](https://www.edd.ca.gov/about_edd/coronavirus-2019/faqs.htm#UIBenefits)

## 18. Can my employer force me to take Paid Time Off, Vacation Time, or Paid Sick Time?

If a worker is quarantined due to the virus, an employer cannot require that the worker use paid sick leave; that is the worker's choice.

If the worker decides to use paid sick leave, the employer can require they take a minimum of two hour of paid sick leave. The determination of how much paid sick leave will be used is up to the employee.

HOWEVER, employers may require employees to use their vacation or PTO before they are allowed to take unpaid leave.

## 19. Other Resources

### **GENERAL RESOURCES**

Benefits Summary for Workers Impacted by COVID-19:

<https://www.labor.ca.gov/coronavirus2019/#chart>

Legal Aid at Work FAQs about coronavirus: <https://bit.ly/2IJOd5F>

Labor & Workforce Development Agency: <https://www.labor.ca.gov/Coronavirus2019/>

Labor Commissioner: <https://www.dir.ca.gov/dlse/2019-Novel-Coronavirus.htm>

EDD: [https://edd.ca.gov/about\\_edd/coronavirus-2019.htm](https://edd.ca.gov/about_edd/coronavirus-2019.htm)

Cal-OSHA: <https://www.dir.ca.gov/dosh/coronavirus/>

### **FOR GIG WORKERS / MISCLASSIFIED WORKERS**

[Gig Workers Rising: https://gigworkersrising.org/get-informed/covid19-resources/](https://gigworkersrising.org/get-informed/covid19-resources/)

## **GENERAL RESOURCES FOR UNDOCUMENTED CALIFORNIANS**

Legal Aid at Work:

- Relief Funds: <https://legalaidatwork.org/blog/relief-funds/>
- Employment Rights: <https://legalaidatwork.org/factsheet/undocumented-workers-employment-rights/>

California COVID-19 Guide for Immigrant Californians:

<https://covid19.ca.gov/guide-immigrant-californians/>

## **OTHER GENERAL RESOURCES**

Western Center on Law and Poverty:

<https://wclp.org/covid-19-coronavirus-information-response-and-considerations/>

Family Values at Work National Guide to COVID-19, Paid Leave, and Unemployment:

<https://familyvaluesatwork.org/docs/COVID19-Rights-DecisionChart.pdf>

## 20. Appendix 1: Local Paid Sick Leave Laws<sup>12</sup>

Locality	Who is an employer required to provide leave under the ordinance?	Who is an employee entitled to leave?	For what reasons can the employee take leave?	Other notes:
<p><b>City of Los Angeles</b></p> <p>Effective April 7, 2020 until two weeks after the end of the local state of emergency period (TBD)</p>	<p>Applies to employers with either (i) 500 or more employees within the City of Los Angeles or (ii) 2,000 or more employees within the United States.</p> <p>Some exemptions, such as healthcare providers or emergency responders apply.</p>	<p>Any employee who performs any work within the city of L.A. and is unable to telework.</p> <p>The employee must have been employed with the same employer for 60 days.</p>	<p>All reasons specified under the federal EPSLA (See <a href="#">EPSLA Section</a>)</p> <p>In addition, if an employee has a preexisting condition such as being over 65, asthma, heart disease, diabetes, or weakened immune system.</p>	<p>An employer cannot require a doctor's note to take leave.</p> <p>Rules and Regulations available <a href="#">here</a>.</p>

<sup>12</sup> Note that these local laws are frequently being amended and revised. In addition, similar ordinances are being considered in many other localities. Check your locality's website for updated information.

<p><b>County of Los Angeles (Unincorporated Areas)</b></p> <p>Effective March 31, 2020 through two weeks after the end of the local state of emergency period (TBD)</p>	<p>Starting January 1, 2021, the LA County ordinance applies to all employers, regardless of size.</p> <p>From March 31, 2020 through December 31, 2020, the ordinance applied only to employers with 500 or more employees nationally and not covered by the EPSLA (See <a href="#">EPSLA Section</a>) or Labor Code 248 for food sector workers (See <a href="#">CA Supplemental Paid Sick Leave Section</a>)</p>	<p>Employees who perform work within the unincorporated areas of L.A. County.</p> <p>The ordinance exempts government agencies, emergency responders, and healthcare providers.</p>	<p>All reasons specified under the federal EPSLA (See <a href="#">EPSLA Section</a>)</p> <p>In addition, employees that need to take time off work because a family member's senior care provider is closed or unavailable.</p> <p>Requests for leave must be made in writing (including text or email).</p>	<p>The ordinance provides a private right of action if covered employers fail to provide leave or retaliates against an employee who has requested leave. Workers who sue in court may obtain attorneys' fees if they are successful.</p>
<p><b>San Francisco</b></p> <p>Effective April 17, 2020 through April 12, 2021, unless reenacted, or the end of the emergency, whichever occurs first.</p>	<p>Applies to employers with 500 or more employees worldwide. Effective February 11, 2021, non-profits that do not engage in healthcare operations are exempted.</p>	<p>Any employee, including a part-time or temporary employee, who performs work within the geographic boundaries of the City of San Francisco.</p>	<p>All reasons specified under the federal EPSLA (See <a href="#">EPSLA Section</a>)</p> <p>It also includes any employee who is a member of a "vulnerable population" including (1) people 60+ years old; (2) people with certain health conditions such as heart disease, lung disease, diabetes, kidney disease, and weakened immune systems; and, (3) people who are pregnant or were pregnant in the last two weeks.</p>	<p>Employers may limit use by health care providers and emergency responders to inability to work due to (1) self-quarantine advised by a health care provider or (2) experiencing COVID-19 symptoms, seeking a diagnosis, and not meeting CDC guidance criteria to return to work.</p> <p>FAQs available at: <a href="https://sfgov.org/olse//sites/default/files/PHEI%20FAQ%20-%20updated%2003.04.21.pdf">https://sfgov.org/olse//sites/default/files/PHEI%20FAQ%20-%20updated%2003.04.21.pdf</a></p>
<p><b>Oakland</b></p> <p>Effective May 12, 2020 until the end of the local state</p>	<p>Applies to any employer who has an employee who performed at least two hours of work within the geographic city boundaries (including the Port of Oakland)</p>	<p>Any employee who performed at least two hours of work within the geographic city boundaries (including the Port of Oakland) after February 3, 2020.</p>	<p>All reasons specified under the federal EPSLA (See <a href="#">EPSLA Section</a>)</p> <p>In addition, if an employee has a</p>	<p>An employer may not require a doctor's note, other than to verify that the employee is at a heightened risk if exposed to</p>

<p>of emergency period (TBD)</p>	<p>after February 3, 2020.</p> <p>Exempts employers who had fewer than 50 employees between February 3 and March 4, 2020, unless they are unregistered janitorial employers or franchisees associated with a franchisor or network of franchises where that franchisor or network employs more than 500 employees.</p>		<p>preexisting condition such as being over 65, asthma, heart disease, diabetes, kidney disease, weakened immune system, or any other health condition identified by public health officials or certified by a healthcare professional as putting the individual at increased risk if exposed to COVID-19.</p>	<p>COVID-19.</p> <p>Employers cannot require an employee to use leave in more than one-hour increments. Leave may also be used intermittently.</p> <p>Some exemptions, such as healthcare providers or emergency responders and employers who, after Feb. 3, 2020, are providing at least 80 hours of paid personal leave, apply.</p> <p><u>Right to Recall for Hospitality and Airport Workers:</u></p> <p>Requires airport hospitality businesses, hotels, restaurants and hospitality services at event centers to rehire their laid-off workers, in order of seniority, before offering positions to new hires.</p>
<p><b>San Jose</b></p> <p>Effective April 8, 2020, through June 30, 2021</p>	<p>Starting January 1, 2021, San Jose's local paid sick leave ordinance applies to all employers regardless of size. From April 8, 2020 through December 31, 2020, the ordinance applied only to employers with over 500 employees and under 50 employees.</p> <p>Employers must have a facility in</p>	<p>Any employee who has worked at least 2 hours within the city's geographic boundaries.</p> <p>The employee must need to leave home to provide work for the employer.</p>	<p>All reasons specified under the federal EPSLA (See <a href="#">EPSLA Section</a>)</p>	<p>Employers that already provide equivalent leave are exempt.</p>

	the city or be subject to the city's business license tax.			
<b>City of Sacramento</b> Effective July 15, 2020 until March 31, 2021	Applies to employers with 500 or more employees nationally and not previously covered by the EPSLA (See <a href="#">EPSLA Section</a> ).  Some exemptions, such as healthcare providers or emergency responders apply.	An employee that works within the boundaries of the City of Sacramento.	All reasons specified under the federal EPSLA (See <a href="#">EPSLA Section</a> ).  In addition, if an employee chooses to take off work because the employee is over the age of 65 years or is considered vulnerable due to a compromised immune system.	Ordinance available <a href="#">here</a> .
<b>County of Sacramento</b>  Effective October 1, 2020 until March 31, 2021	Applies to employers located within the unincorporated areas of Sacramento County with 500 or more employees nationally and not covered by the EPSLA (See <a href="#">EPSLA Section</a> )	Employees that work for entities located in the unincorporated areas of Sacramento County	All reasons specified under the federal EPSLA (See <a href="#">EPSLA Section</a> ).  In addition, employees whose place of work has temporarily ceased operations due to a public health order or other public health official's recommendation, and employees who choose to take off work because they are over the age of 65 or are vulnerable due to a compromised immune system.	
<b>County of San Mateo (Unincorporated Areas)</b>  Effective July 8, 2020 until June 30, 2021	Applies to employers with 500 or more employees nationally and not covered by the EPSLA (See <a href="#">EPSLA Section</a> ) or Labor Code 248 for food sector workers (See <a href="#">CA Supplemental Paid Sick Leave Section</a> )	Employees required to perform work within the geographic boundaries of unincorporated San Mateo County since January 1, 2020.	All reasons specified under the federal EPSLA (See <a href="#">EPSLA Section</a> )  In addition, employees that need to take time off work because a family member's senior care provider is closed or unavailable.	The ordinance provides a private right of action if covered employers fail to provide leave or retaliates against an employee who has requested leave. Workers who sue in court may obtain attorneys' fees if they are successful.
<b>City of Long</b>	Applies to employers with 500 or	Any employee performing work	All reasons specified under the	An employer cannot require a

<p><b>Beach</b></p> <p>Effective June 20, 2020 until Long Beach City Council determines sunset date.</p>	<p>more employees nationally and not covered by the EPSLA (See <a href="#">EPSLA Section</a>)</p>	<p>within the geographic boundaries of the City of Long Beach.</p> <p>Does not include health care providers, emergency responders, government employees, or employees that work from home.</p>	<p>federal EPSLA (See <a href="#">EPSLA Section</a>)</p>	<p>doctor's note to take leave.</p> <p>Employers that already provide equivalent leave are exempt.</p> <p>Ordinance available <a href="#">here</a>.</p>
--	---	---	--	---